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luminating gas is highly dangerous and explosive, and a gas company is bound to use all reasonable diligence to prevent an escape which may result in an explosion.

[Ed. Note.—For other cases, see Gas, Cent. Dig. § 14; Dec. Dig. § 17.* 6 Va.-W. Va. Enc. Dig. 706; 14 Va.-W. Va. Enc. Dig. 496.]

Error to Law and Chancery Court of City of Norfolk.

Action by Lewis W. Webb against the City Gas Company of Norfolk. Judgment for plaintiff, and defendant brings error. Affirmed.

W. H. Taylor, of Norfolk, and *W. H. Anderson* and *A. D. Christian*, both of Richmond, for plaintiff in error.

Bowden & Heard, of Norfolk, for defendant in error.

NORFOLK SOUTHERN R. CO. *v.* WHITE'S ADM'X.

March 11, 1915.

[84 S. E. 646.]

1. Negligence (§ 83*)—Last Clear Chance—Applicability of Doctrine.—The doctrine of last clear chance does not apply to a case where the negligence of both plaintiff and defendant are simultaneous and concurrent, and, before it can apply, it must appear that defendant, on discovering plaintiff's peril, or by the exercise of ordinary care ought to have discovered it, negligently failed to do something which he had a clear chance to do to avoid injury to plaintiff.

[Ed. Note.—For other cases, see Negligence, Cent. Dig. § 115; Dec. Dig. § 83.* 10 Va.-W. Va. Enc. Dig. 389; 14 Va.-W. Va.-Enc. Dig. 769; 15 Va.-W. Va. Enc. Dig. 726.]

2. Railroads (§ 390*)—Injuries to Persons on Track—Negligence—Contributory Negligence—Last Clear Chance.—Where a pedestrian, walking in a place of safety between tracks, voluntarily entered on a track without looking for an approaching engine within a short distance of him, and the engine ran over him, there could be no recovery under the doctrine of last clear chance, because the negligence of the pedestrian and of the railroad company were so closely connected in point of time as not to afford the trainmen a plain opportunity to avoid the accident.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. §§ 1324, 1325; Dec. Dig. § 390.* 10 Va.-W. Va. Enc. Dig. 389; 14 Va.-W. Va. Enc. Dig. 769; 15 Va.-W. Va. Enc. Dig. 726.]

Error to Circuit Court of City of Norfolk.

Action by the administratrix of Hiram White, deceased, against the Norfolk Southern Railroad Company. There was a judg-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

ment for plaintiff, and defendant brings error. Reversed and remanded for new trial.

James G. Martin, of Norfolk, for plaintiff in error.

W. H. Venable, of Norfolk, for defendant in error.

PATTERSON et al. v. OVERBEY et al.

March 11, 1915.

[84 S. E. 647.]

1. Evidence (§ 450*)—Parol Evidence—Ambiguity—Description in Deed.—A description in a deed, "beginning at Fall creek bridge, in North Danville, Va., on C. street, thence down Fall creek, S. $7\frac{1}{2}^{\circ}$ W. 526 feet, S. $9\frac{1}{2}^{\circ}$ W. 376 feet, S. 12° E. 73 feet, which point is 40 feet from the center of R. & D. R. R. main track," was not ambiguous, and should have been interpreted by the court without the aid of extraneous evidence.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. §§ 2066-2082, 2084; Dec. Dig. § 450.* 10 Va.-W. Va. Enc. Dig. 713; 14 Va.-W. Va. Enc. Dig. 805.]

2. Boundaries (§ 3*)—Conflicting Elements—Control of Natural Monuments over Courses and Distances.—Where a boundary was described as "beginning at Fall creek bridge, in North Danville, Va., on C. street, thence down Fall creek, S. $7\frac{1}{2}^{\circ}$ W. 526 feet, S. $9\frac{1}{2}^{\circ}$ W. 376 feet, S. 12° E. 73 feet, which point is 40 feet from the center of R. & D. R. R. main track," it fell within the rule that, when a boundary is described as running along a stream, it is to be construed as following the stream, though the calls from point to point for monuments, with courses and distances, may vary from the course of the stream; it being a natural monument controlling the courses and distances, and it being presumed that the parties never intended to leave a narrow strip between the stream and the boundary line.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. §§ 3-41; Dec. Dig. § 3.* 2 Va.-W. Va. Enc. Dig. 594; 14 Va.-W. Va. Enc. Dig. 168; 15 Va.-W. Va. Enc. Dig. 139.]

Appeal from Circuit Court of City of Danville.

Action by W. D. Overbey and another against Chalmers Patterson and others. From a judgment for plaintiffs, defendants appeal. Reversed.

Malcolm K. Harris and *Eugene Withers*, both of Danville, for appellants.

William Leigh, of Danville, for appellees.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.